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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,954	12/17/2004	Werner Bless	1944-100US	3499

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EPSTEIN DRANGEL BAZERMAN & JAMES, LLP
60 EAST 42ND STREET
SUITE 820
NEW YORK, NY 10165

EXAMINER

CULBRETH, ERIC D

ART UNIT	PAPER NUMBER
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3616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/518,954	BLESS ET AL.	
	Examiner	Art Unit	
	Eric Culbreth	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. In order to ensure proper consideration, applicant should provide a copy of the European and German references cited on page 1, last line and page 2, line 14 of the specification because they are not readily available to the examiner.

Drawings

2. The drawings are objected to because of the following informalities. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

- a. In Figures 1a and 1b, reference numerals (1, 11, 20) should not be underlined, as underlining indicates the numeral rests on the part to which it refers.
- b. The parts labeled 21 in the figures are not "sides" (page 4, lines 3-4; page 4, last paragraph, line 1; page 5, last paragraph; page 6, third paragraph; page 7, first and fourth paragraph; page 7, last line – page 8, lines 1-2; page 10, line 7).
- c. Contrary to page 4, third paragraph, a rack and pinion is not at driving shaft 10 (but rather at shaft 30).
- d. Regarding page 4, line 5 from the end of the page and page 5, line 21, there is no Figure 1 (there are Figures 1a and 1b).
- e. In Figures 2 and 3, reference characters A, g, M, Z, X, etc. should have lead lines.
- f. Figure 4 is generally not understood (what do the circle and lines represent?).

Specification

3. The disclosure is objected to because of the following informalities:
 - a. Specific claims should not be referred to in describing the invention in the specification (page 3, lines 1-2).
 - b. On page 7, fourth paragraph, line 2 "require" should be "required".
 - c. On page 8, line 1 "preferably" is used twice (which is preferred: 60-100 mm or 80-90 mm); a better recitation might be that 80-90 mm is "most" preferred.Appropriate correction is required.

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4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: There is no support in the specification for the ratios in claim 3 (1:10, 10:10, 5:10, 9:10 and 7:10) nor for claim 6 (45 degrees and 135 degrees), nor claim 7 (15 and 35 cm).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. In claim 1, line 1 "preferably" is indefinite, failing to positively define structure.
- b. In claim 1, lines 2-3 "which can also be exchanged for each other" is redundant (since two parts, a driving shaft and a driven shaft, have been listed, it is redundant and unclear to recite that they can be exchanged for each other).
- c. In claim 1, line 4 "two sides" is unclear for reasons given above (the parts labeled 21 and referred to as "sides" in the specification are not sides, but links).
- d. In claim 1, line 5 there is no antecedent basis for "each of the side joints".
- e. In claim 1, line 6 there is no antecedent basis for "the other ends of the sides".

- f. In claim 2, lines 2-3 there is no antecedent basis for "the mounted position" nor for "the circular movement".
- g. In claim 3, line 3 there is no antecedent basis for "the offset...of the axes of the output joint and the driven shaft" (n fact, there is no antecedent basis for "the output joint").
- h. In claim 3, line 4 "preferably" is indefinite, failing to positively recite structure.
- i. Also in claim 3, line 4 "ideally" is indefinite (i.e., what makes this ratio ideal).
- j. Generally, claim 3 is indefinite because it gives a range within a range (between 1:10 and 10:10...preferably 5:10 and 9:10...ideally 7:10). (It is not clear what range is required to infringe the claim).
- k. In claim 7, lines 1-2 there is no antecedent basis for "the diameter of the total space".
- l. In claim 9, "plate-like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Allowable Subject Matter

- 7. Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

8. Claims 2-11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rui et al US006287207B1, European Patent 1,199,244 EP001199244A1, UK Patent 2,024,980, German Patent 1,064,829 and British Patent 419,842 were cited in an International Search Report.

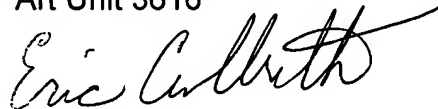
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Culbreth whose telephone number is 571/272-6668. The examiner can normally be reached on Monday-Thursday, 9:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571/272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Eric Culbreth
Primary Examiner
Art Unit 3616



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